

Privacy and Confidentiality of Personal Information

1. Policy statement

The Toowoomba Hospice is committed to ensuring the privacy and confidentiality of all personal information associated with all Hospice undertakings.

The Toowoomba Hospice follows the terms and conditions of privacy and confidentiality in accordance with the Australian Privacy Principles (APPs) which forms part of the Privacy Act 1988.

2. Scope

This policy applies to all permanent, temporary, and casual employees, Management Committee members, volunteers, students, visiting medical officers, clients, their families, and carers.

3. Regulating Privacy and Confidentiality of Personal Information

As a private hospital, the Toowoomba Hospice is regulated by the Australian Privacy Principles (APPs). These principals regulate how Toowoomba Hospice may collect, use, disclose and store personal information. The principles also advise how individuals, including Toowoomba Hospice clients may access, address, and correct their personal information if need be.

3.1 Collection, Use, Storage and Disclosure of Private and Confidential Information

In order to provide clients with adequate health care services, Toowoomba Hospice needs to collect, use and in some cases disclose clients' personal information. If the client provides incomplete or inaccurate information or the client withholds personal health information Toowoomba Hospice may not be able to provide the client with the correct or relevant services they require for optimal care.

3.1.1 Collection of Private Confidential Information

The Hospice will follow these directions when collecting clients' personal information:

- Upon admission to the Hospice the client or their appointed representative will be asked to sign a consent form for the collection, sharing and disclosure of medical and personal information.
- Only client information necessary for provision of care and services will be collected
- The Toowoomba Hospice will take all reasonable and lawful steps, including making of an appropriate amendment, to ensure the personal information in its custody is accurate, complete, and not misleading.
- Information will be collected from the client (directly) wherever possible. This may depend on the situation and clients' capacity to provide accurate information. If the client is unable to provide accurate information the designated next of kin (NOK), carer or delegate should provide the information.
- The Toowoomba Hospice will notify a person about what information is being collected, why the information is required and what the Toowoomba Hospice intends to do with it.

3.1.2 Use and Sharing of Clients' Personal Information

The Toowoomba Hospice will use, and share collected client information whilst adhering to the relevant laws noted in the Australian Privacy Principles (APP's).

- The Hospice will maintain confidentiality of all information when being obtained, whilst sharing and when stored.
- The Hospice will ensure sharing of client information is only done as required and only shared in order to provide optimal health care services for the client
- Clients' information will be made available to Hospice staff, allied health professionals, complementary therapy professionals, medical practitioners and other relevant health professionals involved with the clients' treatment and care.

3.1.3 Storing of Clients' Personal Information

The Toowoomba Hospice will take reasonable steps to protect the personal information of its clients and staff from misuse, loss and unauthorised access, modification, or disclosure. Reasonable steps include:

- Ensure that paper-based information is stored in locked cupboards, filing cabinets and/or rooms
- Ensure that a contracted service provider complies with the privacy and confidentiality principles
- Ensuring paper-based information is only accessible to staff that are required to have access such as a person, authority, or other staff member where they are immediately responsible for the human resource management of the employee and/or the direct care of the client.
- Ensure that personal information is not retained longer than required, e.g., records disposal in accordance with the Public Records Act 2002 (see reference list).

3.1.4 Disclosure of Clients' Personal Information

The Hospice supports an individual's general right of access to their own personal information. The Hospice also acknowledges the right of clients to know when and where their personal information will be stored and to whom it will be given. The Hospice will ensure the following is provided to clients regarding the disclosure of their information:

- The client is made aware upon admission that their information may be sent to other persons who are directly involved in their care (as per CC_000004 Consent Form)
- The client will identify if they are willing to participate in surveys in relation to their experiences and care (information will not be gathered for clients who choose not to participate)
- The Client is made aware that their information may be sent to funding providers including medical benefits (as per CC_000004 Consent Form)
- The Toowoomba Hospice will take reasonable steps to de-identify sensitive personal information before disclosing it, except where the identifying information is required to provide services to the individual.

3.2 Exceptions to the Information Privacy Act 2009

There are circumstances where the Toowoomba Hospice is not required to comply with the Information Privacy Act 2009. For example, de-identified information or statistical data sets which are non-identifiable (i.e., would not allow or enable individuals to be identified).

The Toowoomba Hospice is also not required to comply with certain privacy principles where an individual has previously published their personal information or provided it for the purpose of publication.

3.3 Breaches of confidentiality and privacy

The Toowoomba Hospice will monitor and respond to suspected and actual breaches of privacy or confidentiality. The Hospice may require a staff member to report to the Leadership Team (Clinical Nurse, Director of Nursing, Administration and Fundraising Manager and/or Chairman) dependent on the severity of the breach. The incident may then need to be escalated to include reporting to the Toowoomba Hospice Management Committee and/or legal authority.

If the breach is deemed serious by the Leadership Team and/or Management Committee the staff member may require ongoing education, disciplinary action and/or termination of employment.

4. Related Policies, Procedure and Documents

- OM_000017 Confidential Information Code of Conduct
- OM_000018a Privacy Poster
- OM_000008 Conflict of Interest
- OM_000041 Code of Conduct
- HRM_000003 Annual Review Employee Performance and Development
- OM_000042 Disciplinary Action for Employees and Volunteers and Termination of Employment
- OM_000024a Grievance Report
- RM_000203 Incident Form
- RM_000005 Monthly Register of Comments and Complaints
- HRM_000002 Confidentiality Agreement
- IP_000004 Comments and Complaints Procedure

5. Related Standards

- NSQHS - (Standard 1, Item 1.19: Implementing procedures that protect the confidentiality of patient clinical records without compromising appropriate clinical workforce access to patient clinical information)
- NSQHS standard 1: Clinical Governance (Sections 1.1 Governance, leadership, and culture. Organisational leadership 1.3 and Clinical Leadership 1.6).
- NSQHS standard 2 Partnering with Consumers (Section's 2.6 Sharing decisions and planning care and 2.11 Partnerships in healthcare governance planning, design, measurement, and evaluation)
- Australian Commission on Safety and Quality in Health Care (NSQHS) Standards, 2nd Edition, 2021, Standard 1: Standard 1: Clinical Governance Standard
- Australian Commission on Safety and Quality in Health Care (NSQHS) Standards, 2nd Edition, 2021, Standard 2: Partnering with Consumers, Section 2.06: Sharing decisions and planning care
- National Palliative Care Standards, 5th Edition, 2018, Standard 4: [Providing Care](#)
- National Palliative Care Standards, 5th Edition, 2018, Standard 7: [Service Culture](#)
- Queensland Private Hospitals, Patient Care Standard, 2021, [Ethics Standard](#), Version 2
- Queensland Private Hospitals, Patient Care Standard, 2021, [Patient Care Standard](#), Version 6

6. Definitions

Term	Definition
Personal information	Personal information is information or an opinion, including information or an opinion forming part of a database, whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion. Section 12 Information Privacy Act 2009 Examples include: <ul style="list-style-type: none">• A person's name, address, phone number or email address

	<ul style="list-style-type: none"> • A photograph of a person, a video recording of a person, image on Closed- circuit television (CCTV).
Sensitive personal information	<p>Sensitive personal information is a subset of personal information, and it is important because of the heightened meaning or value to the individual concerned (Information Privacy Act 2009 Schedule 5 Dictionary).</p> <p>Examples include:</p> <ul style="list-style-type: none"> • Racial or ethnic origin • Sexual preferences or practices • Political opinions, religious beliefs, or associations • Health information about an individual for the National Privacy Principles.
Health information	<p>Health information is a combination of personal information and sensitive personal information that includes any of the following:</p> <ul style="list-style-type: none"> • An individual's health including a disability at any time • A health service that has been provided, or that is to be provided, to the individual • Personal information about an individual collected in order to provide, or in providing, a health service.
Confidential information	Information, acquired by a person in the person's capacity as a designated person, from which a person who is receiving or has received a health service could be identified
Privacy	In the context of privacy principles, privacy is the right that personal information (who we are, what we do, what we think, what we believe) will be protected and there is a right to apply to amend it if it is not accurate, complete or is misleading.
Confidentiality	Confidentiality is the act of not disclosing personal information without authority, i.e., keeping personal information private or in confidence.
Privacy breach	A privacy breach occurs when there is a failure to comply with one or more of the privacy principles set out in the Information Privacy Act 2009. A privacy breach most commonly, but not exclusively, results in unauthorised access to, or the unauthorised collection, use, or disclosure of, personal information.

7. References

- Australian Government, Office of the Australian Information Commissioner, Commonwealth Privacy Act 1988, Accessed via: <https://www.oaic.gov.au/privacy/the-privacy-act>
- National Privacy Principles - Schedule 1 of the Privacy Amendment (Enhancing Privacy Protection) Act 2012 (Cth)
- Information Privacy Act 2009 (Qld) (note National Privacy Principles)
- Queensland Government, Public Records Act 2002, Reviewed and current from 2013, Accessed via: <https://www.legislation.qld.gov.au/view/pdf/inforce/current/act-2002-011>

8. Policy revision and approval history

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